

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 27, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 13 and 20, 2006 Worksession.

Action: Approved, (DLB/WMH, 5-0).

2. **A-6162, Appeal of Andrew Russo, President Springfield Civic Associaton, Lisa LaCase and Gail Hoelscher** (Department of Permitting Services (DPS) - Issuance of Building Permit No. 405997). Letter to the Board from Norman Knopf, Esquire, requesting continuance of the scheduled pre-hearing conference and the consideration of the Motion to Dismiss.

Action: (1) Granted continuance, (DLB/CLH, 5-0); (2) pre-hearing scheduled for 1/10/07 @ 9:30 a.m., hearing scheduled for 2/14/07 @ 10:30 a.m.

3. **CBA-1174 and S-2503, Petition of Holton-Arms School, Inc.** (private educational institution and co-educational summer day camp). Letter to the Board from Diana Coulton Beebe, Head of School, submitting the school's annual report.

Action: (2) Re-opened the record to include Ms. Beebe's letter with attachment, (WMH/AMC, 5-0); (2) school to confirm dates and attendance of meetings with liaison committee.

4. **CBA-1932, Petition of Willco Developers, Inc.** (automobile filling station). Letter to the Board from Gina Baker requesting an administrative modification of the special exception. (Large exhibit: site plan].

Action: Granted administrative modification, (WMH/AMC, 4-0/AIF/recused).

5. **S-329, Petition of John W. and Marion C. Beane** (major home occupation). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked as it is no longer within the jurisdiction of the Montgomery County government.

Action: Revoked special exception for lack of jurisdiction, (DLB/CLH, 5-0).

6. **S-538, Petition of Aspen Hill Club** (private club). Letter to the Board from Danielle Bouchard, General Manager, submitting the club's annual report.

Action: Re-opened the record to include Ms. Bouchard's letter with attachment, (AMC/WMH, 5-0).

7. **S-1223, Petition of Joseph and Mildred Glazer** (accessory apartment). Memorandum from Travis Aldous, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (CLH/AMC, 5-0).

8. **S-1540, Petition of Kendal J. Bush** (accessory apartment). Memorandum from John Whitt, Program Manager, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked special exception as abandoned, (WMH/CLH, 5-0).

9. **S-1869, Petition of Connie E. Kisner** (accessory apartment). Memorandum from Jerri M. Burgess, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (DLB/CLH, 5-0).

10. **S-1884, Petition of Chakarat Sukachevin** (non-resident medical practitioner). Letter to the Board from Keith Rosa, Esquire, requesting a transfer and an administrative modification. (Large exhibits: landscape plan, front, right elevations and floor plans).

Action: Item deferred for additional information regarding landscaping and the striping of the parking lot, consensus.

11. **S-2115, Petition of WGH Associates LLC** (golf driving range). Letter from Craig Zimmer, White Flint Golf Park, Inc., notifying the Board that special exception has been abandoned and requesting that it be revoked.

Action: Revoked as abandoned, (AMC/DLB, 5-0).

12. **S-2143, Petition of Crown Atlantic Company, LLC** (telecommunications facility). Letter to the Board from Cheryle Wilson, J.D., requesting an administrative modification. (Large exhibits: construction details, compound layout, equipment details).

Action: (1) Re-opened the record to include Ms. Wilson's letter with attachments; (2) no action required by the Board, antenna can be installed as a matter of right.

13. **S-2164, Petition of Arthur E. and Jane E. F. Leon** (private riding stable). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the

special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked as abandoned, (WMH/DLB, 5-0).

14. **S-2222, Petition of Woodfield Country Market, LLC** (automobile filling station). Letter to the Board from Inja Kim, DWDB, LLC, requesting a transfer of the special exception.

Action: Item deferred for additional information, consensus.

15. **S-2224, Petition of Deborah Fling, President** (landscape contractor and the manufacture of mulch). Memorandum from Heather Gottke, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked as abandoned, (DLB/CLH, 5-0).

16. **S-2253, Petition of Crown Atlantic, LLC** (telecommunications facility). Letter to the Board from Cheryle Wilson, J.D., requesting an administrative modification. (Large exhibits: construction details, compound layout, equipment details).

Action: (1) Re-opened the record to include Ms. Wilson's letter with attachments; (2) no action required by the Board, antenna may be installed as a matter of right.

17. **S-2413, Petition of Stasia Zedilko** (accessory apartment). Letter to the Board from Maung Nay Li requesting a transfer of the special exception.

Action: (1) Re-opened the record to include Ms. Herman's letter; (2) granted the transfer of the special exception, (DLB/CLH, 5-0).

18. **S-2621, Petition of Chesapeake Psychological Services of Maryland, LLC, by Kathleen Nadeau** (non-resident medical practitioner). Letter to the Board from the petitioner with details the of the Sign Review Board's action.

Action: Re-opened the record to include the letter from the petitioner, (CLH/WMH, 5-0).

INFORMATION ITEM:

19. **CBA-2830-A, Petition of Graciano P. Gancayco** (non-resident medical practitioner). Order from the Circuit Court.

Action: Re-opened the record to include the Court's Order, (CLH/WMH, 5-0).

DECISION ITEMS:

20. **S-2675, Petition of Ernie C. and Jane G. Williams** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's report and recommendation; (2) granted the special exception with conditions, (DLB/CLH, 5-0).

DECISION ITEMS (continued):

21. **S-2676, Petition of Alicia Riveria** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's report and recommendation; (2) granted the special exception with conditions, (AMC/WMH, 5-0).

PENDING ITEMS:

22. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to receive status report in 90 days. [W/S 4/19/06].

23. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06].

24. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

25. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire,

requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

26. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

27. **S-597, Petition of Dr. H. Steven Steinberg by VCA Veterinary Referral Associates Animal Hospital** (veterinary hospital). Letter from Thomas Carroll, Esquire, requesting clarification by the Board of a recommendation of the Montgomery County Tower Committee. (1) No modification required of the special exception is required; (2) petitioner to submit revised site plan showing the antenna. [W/S 9/13/06].

28. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].

PENDING ITEMS (cont'd):

29. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].
30. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
31. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen as been removed. [W/S 7/26/06].
32. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].
33. **S-2453, Petition of Academy Child Development** (child day care facility). Letter to the Board from Marilyn Fleetwood, President, requesting an administrative modification. Item deferred for additional information and what will be the impact of peak travel time, consensus. [W/S 5-31-06].
34. **S-2459, Petition of Hampshire Village Associates** (life care facility). Inspection reports from Barbara Piczak, Inspector, DPS, regarding the special exception's Community Council and its parking. Board will receive an additional inspection report after the compliance deadline. [W/S 6/28/06].
35. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting a transfer of the special exception. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer, requesting an inspection of the special exception by DPS. Item deferred until the Board receives DPS's inspection report. [W/S 5/31/06].
36. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06, (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

PENDING ITEMS (continued):

37. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

38. **S-2666, Petition of Orlando Martinez and Martha Gaitan** (accessory apartment). Hearing Examiner's Report and Recommendation. Item deferred until receipt of a revised landscape plan. [W/S 6/28/06].

Board Members

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Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director - ABSENT
Hermene Jones, Administrative Specialist